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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/662,225 | 09/14/2000 | Peter Cuong Dac Ta | P-5022 | 3044 |

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EXAMINER

DINH, TUAN T

ART UNIT

PAPER NUMBER

2827

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/662,225 | TA, PETER CUONG DAC |
| Examiner | Art Unit | |
| Tuan T Dinh | 2827 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 May 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22,27-34 and 38-41 is/are pending in the application.
 - 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 27-31,38 and 39 is/are rejected.
- 7) Claim(s) 32-34,40-41 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 27-34, and 38-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 27, lines 7 and 9, it is confuse. Applicant recites "a first extension attached to a first end of said body (line 7), and also a first end of said second extension (line 9) attached to a second end of said body" is not understood. Does applicant mean of "a first extension attached to a first end of a second extension of said body?" ,or are there more than one first end recited in the retainer bracket?

Regarding claim 27, lines 9-11, it is confuse. Applicant recites "a second extension, a first end of said second extension attached to a second end of said body, a second end of said second extension..." is not understood. Does applicant mean of "a first end attached to a second end of said second extension of said body?"

Regarding claim 30, lines 4 and 6, it is confuse. Applicant recites "a first extension attached to a first end of said body (line 4), and also a first end of said second extension (line 6) attached to a second end of said body" is not

understood. Does applicant mean of "a first extension attached to a first end of a second extension of said body?", or are there more than one first end cited in the retainer bracket?

Regarding claim 30, lines 6-8, it is confuse. Applicant recites "a second extension, a first end of said second extension attached to a second end of said body, a second end of said second extension..." is not understood. Does applicant mean of "a first end attached to a second end of said second extension of said body?"

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 27-31,38-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen (U. S. Patent 5,566,049).

As best understood to claim 27, Nguyen discloses a structure comprising a retaining bracket (12-figure 2, column 3, lines 33-34) as shown in figures 1-2 comprising:

a body (20, column 3, line 35) comprising:

a first arm and second arm (see attachment paper of figure 2, 1000, 2000, which are lateral bars of the body 20);

a support beam (see attachment paper of figure 2, 300);

a first extension and a second extension (22, 24, column 3, line 36), the first extension attached to a first end (24", see attachment paper of figure 2) of the second extension of said body (20), said first extension comprising a mounting aperture (32A; 32B, column 3, lines 47-48); and

 said first end (24") of said second extension attached to a second end (24', see attachment paper of figure 2) of said body (see figure 2) of said second extension, said second end (24') including a first protrusion and a second protrusion (two ends of lip 34, column 3, lines 45-46);

 wherein said first arm, said second arm, and said support beam are integrally attached together.

As to claim 28, Nguyen discloses a structure comprising a retaining bracket (12-figure 2, column 3, lines 33-34) as shown in figures 1-2 further comprising:

 a plurality of rails (400, 500, see attachment paper of figure 2) along lengths of said first and second arms (1000, 2000), said rails providing strength and rigidity to said first arm and said second arm; and

As to claim 29, Nguyen discloses a structure comprising a retaining bracket (12-figure 2, column 3, lines 33-34) as shown in figures 1-2 wherein said first extension (22) and said second extension (24) are perpendicular to said body (figure 2-column 3, lines 43-45).

As best understood to claim 30, 38, Nguyen discloses a structure comprising a retaining bracket (12-figure 2, column 3, lines 33-34) as shown in figures 1-2 comprising:

a body (20, column 3, line 35) comprising:
a first extension and a second extension (22, 24, column 3, line 36), the first extension attached to a first end (24", see attachment paper of figure 2) of the second extension of said body (20), said first extension comprising first and second mounting apertures (32A; 32B, column 3, lines 47-48); and

said first end (24") of said second extension attached to a second end (24', see attachment paper of figure 2) of said body (see figure 2) of said second extension, said second end (24') including a first protrusion and a second protrusion (two ends of lip 34, column 3, lines 45-46);

wherein said first and second extensions are perpendicular to said body;

a first and second lips defined by said first and second protrusions.

As to claim 31, Nguyen discloses a structure comprising a retaining bracket (12-figure 2, column 3, lines 33-34) as shown in figures 1-2 wherein said first and second lips are parallel to said body.

As to claim 39, Nguyen discloses a structure comprising a retaining bracket (12-figure 2, column 3, lines 33-34) as shown in figures 1-2, said bracket comprises steel (column 3, lines 61-62).

Allowable Subject Matter

5. Claims 32-34, and 40-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 27-34, and 38-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
July 12, 2002.



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